

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHARLES N. SCHWARZ, JR. et al.,

Plaintiffs,

v.

HARRY L. BOWLES, et al.,

Defendants.

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CIVIL ACTION NO. H-07-cv-0410

MEMORANDUM AND ORDER

Pending before the Court is Plaintiff's Motion to Vacate Hearing and Orders (Doc. No. 19), Plaintiff's Supplemental Motion to Reinstate Case (Doc. No. 23), and Plaintiff's Countermotion for Sanctions (Doc. No. 26).

In this Court's Memorandum and Order of April 11, 2007, the Court remanded this case to state court and imposed sanctions in the amount of \$15,800 jointly and severally against Defendants and their counsel, James D. Farmer. Defendant Bowles now moves the Court to vacate this Order on the grounds that he was not represented by counsel at a hearing that took place on April 11, 2007, prior to entry of the Order. While it is true that Defendant's counsel James D. Farmer was not admitted to practice in the Southern District of Texas and was denied admission *pro hac vice*, the Court nevertheless took notice of his filings in this case and permitted Mr. Farmer to make legal arguments on behalf of Defendant Bowles. Defendant Bowles was also permitted to address the Court on his own behalf. Thus, the Court finds that Defendant Bowles was adequately represented at the hearing of April 11, 2007, and therefore his Motion to Vacate is **DENIED**. The Order of April 11, 2007, remanding the matter to state court and imposing sanctions stands.

Defendant Bowles's subsequent motion to reinstate the case and countermotion for sanctions are also **DENIED** because, as explained in the April 11, 2007 Order, this Court lacks subject matter jurisdiction over the case.

Defendant Bowles shall not make any further filings in the United States District Court for the Southern District of Texas without express written permission from the undersigned. Failure to abide by this order will result in significant monetary sanctions.

IT IS SO ORDERED.

SIGNED this 30th day of July, 2007.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL
FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY
EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT